BOARD OF SUPERVISORS COUNTY OF STAFFORD STAFFORD, VIRGINIA

MINUTES

Regular Meeting April 17, 2007

<u>Call to Order.</u> A regular meeting of the Stafford County Board of Supervisors was called to order by Jack R. Cavalier, Chairman, at 1:03 P. M., Tuesday, April 17, 2007, in the Board Chambers, Stafford County Administration Center.

Roll Call. The following members were present: L. Mark Dudenhefer, Vice Chairman; Peter J. Fields; Robert C. Gibbons; Paul V. Milde; George H. Schwartz; M. S. "Joe" Brito; and Jack R. Cavalier, Chairman.

Also in attendance were: Steve Crosby, County Administrator; Joe Howard, County Attorney and Marty Beard, Chief Deputy Clerk.

<u>Legislative</u>; <u>Work Session on Courthouse Master Plan.</u> Mr. Anthony Romanello, Deputy County Administrator, gave a presentation.

Mr. Craig Covey of HVC – Chenault, Architects, commented.

The Judge J. Martin Bass, Fifteenth Judicial Circuit Court of Virginia, and Mr. Daniel Chichester, Commonwealth's Attorney, commented additionally.

Discussion ensued.

<u>Legislative</u>; <u>Work Session on Employee Health Insurance Status Report.</u> The committee of Mr. Brito and Mr. Brito gave a presentation and responded to Board members questions.

Discussion ensued.

<u>Legislative</u>; <u>Discuss Stormwater Maintenance Program.</u> Mr. Schwartz gave a presentation.

Mr. Jeff Goldhardt, Stormwater Program Coordinator, commented.

Mr. Schwartz motioned, seconded by Mr. Fields, to release funds in the amount of \$190,000 for the stormwater maintenance program.

Discussion ensued.

Mr. Dudenhefer made a substitute motion, seconded by Mr. Milde, to defer this issue to allow staff time to provide additional information.

Discussion further ensued.

Mr. Milde withdrew the second to the motion.

Mr. Cavalier seconded the motion.

Discussion continued.

The Voting Board tally on the substitute motion was:

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Yea: (4) Milde, Brito, Cavalier, Dudenhefer

Nay: (3) Gibbons, Schwartz, Fields

<u>Legislative</u>; <u>Discuss Erosion and Sediment Control Civil Penalties.</u> Mr. Steve Hubble, Environmental Programs Coordinator, gave a presentation and responded to Board members questions.

Hearing no objections from the Board, this item was deferred to a future work session.

<u>Legislative</u>; <u>Discuss Garrisonville Road Construction Update</u>. Mr Fulton DeLamorton, Senior Engineer, gave a presentation and responded to Board members questions.

Discussion ensued.

Hearing no objections from the Board, the County Administrator was requested to contact the Virginia Department of Transportation regarding the lines on Garrisonville Road.

<u>Legislative</u>; <u>Discuss Fredericksburg Area Metropolitan Planning Organization issues.</u>

Mr. Gibbons gave a presentation.

Discussion ensued.

<u>Legislative</u>; <u>Consent Agenda.</u> Mr. Gibbons motioned, seconded by Mr. Dudenhefer, to adopt the Consent Agenda consisting of Items 4 thru 12, omitting item 8.

The Voting Board tally was:

Yea: (7) Milde, Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons

Nay: (0)

<u>Item 4. Legislative; Support the Rappahannock Regional Jail Authority Participation in</u> the Retirement Benefits Provided Under the Law Enforcement Officers System.

Resolution R07-167 reads as follows:

A RESOLUTION TO SUPPORT THE RAPPAHANNOCK REGIONAL
JAIL AUTHORITY'S PARTICIPATION IN THE RETIREMENT BENEFITS
PROVIDED UNDER THE LAW ENFORCEMENT OFFICERS SYSTEM

WHEREAS, the 1999 Virginia General Assembly enacted legislation allowing the Superintendent and sworn jail officers of regional jails to participate in the LEOS (Law Enforcement Officers System) system of benefits available to state police officers, state correctional officers, and sheriffs' deputies in those jurisdictions which have chosen to participate in such program; and

WHEREAS, the Rappahannock Regional Jail Authority voted at its meeting of March 15, 2007 to include the Superintendent and sworn officers in such program in order to remain competitive in the hiring and retention of employees, subject to the approval by each of the governing bodies participating in the jail authority; and

WHEREAS, the Rappahannock Regional Jail Authority requests each of the governing bodies to adopt this resolution authorizing such participation;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the Board does hereby concur that the Rappahannock Regional Jail Authority may elect to have full-time salaried Jail Superintendents and Jail Officers, whose tenure is not restricted as to temporary or provisional appointment, become eligible, effective July 1, 2007, or as soon thereafter as approval is received from each of the governing bodies of the participating jurisdictions, to be provided benefits in the Virginia Retirement System equivalent to those provided to State police officers, state correctional officers, and sheriffs' deputies in those

jurisdictions which have chosen to participate in such program. This benefit, as set out in Section 51.1-138 of the Code of Virginia (1950), as amended, is in lieu of the benefits that would otherwise be provided as such Code has been or may be amended from time to time.

BE IT FURTHER RESOLVED that the Board does hereby concur that the Rappahannock Regional Jail will be liable for all costs for providing such benefits to these employees.

<u>Item 5. Finance; Approve Expenditure Listings.</u>

Resolution R07-150 reads as follows:

A RESOLUTION TO APPROVE EXPENDITURE LISTING (EL) DATED APRIL 3, 2007 THROUGH APRIL 16, 2007

WHEREAS, the Board has appropriated funds to be expended for the purchase of goods and services in accordance with an approved budget; and

WHEREAS, the payments appearing on the above-referenced Listing of Expenditures represent payment of \$100,000 and greater for the purchase of goods and/or services which are within the appropriated amounts;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April 2007, that the above-mentioned EL be and it hereby is approved.

<u>Item 6.</u> Fire and Rescue; Accept State Grant Funding for Upgrade and Purchase of New <u>Lifepak 500 Automatic External Defibrillators for County Fire Apparatus</u>

Resolution R07-138 reads as follows:

A RESOLUTION TO ACCEPT VIRGINIA OFFICE OF EMERGENCY MEDICAL SERVICES HEALTH GRANT FUNDING FOR LIFEPAK 500 AUTOMATIC EXTERNAL DEFIBRILATORS

WHEREAS, the Virginia Office of Emergency Medical Services awarded the Fire and Rescue Department a grant in the amount of \$36,153; and

WHEREAS, these grant funds will be used to purchase 15 new LifePak 500 automatic external defibrillators; and

WHEREAS, these defibrillators will replace older units at five volunteer fire and rescue stations;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the County Administrator be and he hereby is authorized to accept grant funding for the purposes of enhancing life safety in Stafford County; and

BE IT FURTHER RESOLVED that Thirty-six Thousand One Hundred Fifty-three Dollars (\$36,153) be and it hereby is budgeted and appropriated to the Fire and Rescue Department for defibrillators.

Item 7. Public Services; Request PRTC Reimburse the County for Transportation Funds

Expended in FY2006 and Through the 3rd Quarter of FY2007.

Resolution R07-153 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES IN

FISCAL YEAR 2006

WHEREAS, the County budgeted funds in the FY2006 Transportation Fund for various programs, including the Stafford Regional Airport Authority, FRED Transit System, social services transportation activities, and street signs; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2006; and

<u>Item</u>	Amount
Centreport Parkway Construction Project	\$1,368,443
Garrisonville Road (SR-610) Construction Project	944,334
Warrenton Road (US-17) at Eley Rd (SR-734)	14,503
Street Sign Program	25,529
FREDericksburg Regional Transit (FRED)	163,724
VDOT Devolution Feasibility Analysis	33,455
Stafford Regional Airport Authority	113,000
George Washington Regional Commission (GWRC)	99,867
Bike Trails Program	12,915
Transportation of Social Services Clients	32,005
Sub-Total	\$2,807,775
Less VDOT reimbursement for Brent Point Rd (6/05/2006)	(40,047)
Total Reimbursement Request	\$2,767,728

WHEREAS, these funds can be reimbursed from the County fuel tax funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Two Million Seven Hundred Sixty-seven Thousand Seven Hundred Twenty-eight Dollars (\$2,767,728) from the fuel tax funds.

Resolution R07-164 reads as follows:

A RESOLUTION TO REQUEST REIMBURSEMENT FROM THE POTOMAC AND RAPPAHANNOCK TRANSPORTATION COMMISSION FOR TRANSPORTATION EXPENDITURES THROUGH THE THIRD QUARTER OF FISCAL YEAR 2007

WHEREAS, the County budgeted funds in the FY2007 Transportation Fund for various programs, including the Stafford Regional Airport Authority, FRED Transit System, social services transportation activities, and street signs; and

WHEREAS, the County expended the following amounts for transportation projects and services during FY2007 through March 31, 2007; and

<u>Item</u>	Amount
Management Services	\$ 26,182
Legal Services	7,280
Street Sign Program	20,357
FREDericksburg Regional Transit (FRED)	235,735
Stafford Regional Airport Authority	114,287
Road Improvements	337,773
Garrisonville Road (SR-610) Construction Project	16,465
Bike Trails Program	13,924
Transportation of Social Services Clients	<u>14,388</u>
Total Reimbursement Request	\$786,391

WHEREAS, these funds can be reimbursed from the County fuel tax funds;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the Potomac and Rappahannock Transportation Commission be and it hereby is requested to reimburse the County Seven Hundred Eighty-six Thousand Three Hundred Ninety-one Dollars (\$786,391) from the fuel tax funds.

<u>Item 9. Parks and Recreation; Revise Deed Regarding Purchase of Tax Map Parcel</u> 45-220E.

Resolution R07-169 reads as follows:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
TO REVISE THE DEED REGARDING PURCHASE OF TAX MAP PARCEL
45-220E

WHEREAS, at a meeting on February 15, 2005, the Board approved Resolution R05-97, which authorized the County Administrator to execute all documents necessary to purchase this parcel; and

WHEREAS, the owner of the property, Daniel Chichester, now desires a deed restriction be placed on the property that states it be used for public park and recreational purposes;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the County Administrator be and he hereby is authorized to revise the Deed regarding purchase of Tax Map Parcel 45-220E with the restriction that the property shall be used for public park and recreational purposes, and concurrence that the value exceeds the purchase price.

Item 10. Administration; Refer to the Planning Commission Changes to Floor Ratio with a Conditional Use Permit.

Resolution R07-170 reads as follows:

A RESOLUTION TO REFER AN AMENDMENT TO THE ZONING
ORDINANCE TO THE PLANNING COMMISSION REGARDING FLOOR
AREA RATIO

WHEREAS, the Board may modify the floor area ratio requirements in any district for a hotel by review and approval of a conditional use permit; and

WHEREAS, the Board desires to allow a modification of the floor area ratio in any district for any building or structure by review and approval of a conditional use permit;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that proposed Ordinance O07-40 be and it hereby is referred to the Planning Commission for its consideration and recommendations.

Item 11. Legal; Extend Contract for Outside Legal Counsel.

Resolution R07-166 reads as follows:

A RESOLUTION TO AUTHORIZE THE PAYMENT OF OUTSIDE LEGAL FEES AND COSTS REGARDING THE CROW'S NEST CONDEMNATION, DOMINION POWER RIGHT-OF-WAY MATTER, AND THE MATTER OF WARD V. BOARD OF SUPERVISORS OF STAFFORD COUNTY, VIRGINIA

WHEREAS, because of the complex nature of the legal matters listed above, the Board has found it necessary to employ outside legal counsel to represent and protect the interests of the County; and

WHEREAS, the estimated cost of such representation in these matters for the remainder of FY2007 is expected to be as follows: Crow's Nest Condemnation - \$100,000; Dominion Power Right-of-Way - \$200,000; and Ward v. Board of Supervisors of Stafford County, Virginia - \$50,000; and

WHEREAS, these funds were budgeted and appropriated for this purpose by the Board in the mid-year budget adjustment; and

WHEREAS, the continued employment of outside legal counsel is imperative to protect and represent the interests the County in the above-listed matters;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the County Attorney be and he hereby is authorized to extend the Letter of Agreement contracts to pay legal fees in the amount of Three Hundred Fifty Thousand Dollars (\$350,000) to outside legal counsel as follows: Two Hundred Thousand Dollars (\$200,000) to Christian & Barton, LLP (Dominion Power Right-of-Way); One Hundred Thousand Dollars (\$100,000) to Blankenship & Keith (Crow's Nest Condemnation); and Fifty Thousand Dollars (\$50,000) to Carl F. Bowmer (Ward Corporation v. Board of Supervisors of Stafford County, Virginia).

Item 12. Economic Development and Legislative Affairs; Endorse Grant Application for Transit Improvements in Preparation for Base Realignment and Closure,

Resolution R07-174 reads as follows:

A RESOLUTION TO ENDORSE A GRANT APPLICATION FOR TRANSIT IMPROVEMENTS IN PREPARATION FOR BRAC IMPACTS TO FORT

BELVOIR AND MARINE CORPS BASE-QUANTICO.

WHEREAS, the Virginia National Defense Industrial Authority (VNDIA)

announced \$12.5 million in grant funds for localities impacted by the implementation of

the Base Realignment and Closure (BRAC) Committee; and

WHEREAS, the funds for this program are to be distributed to impacted localities

on a competitive basis; and

WHEREAS, the application deadline is April 30, 2007; and

WHEREAS, the Counties of Prince William and Stafford, and the Quantico

Growth Management Committee recommend that an application be completed for transit

improvements in preparation for BRAC impacts, to include bus shelters to serve existing

routes and future expanded routes to and from Fort Belvoir facilities, recommended as

mitigation by the Fort Belvoir environment impact statement, and a transportation master

plan for transit infrastructure and other transportation improvements required for growth

planned at Marine Corps Base-Quantico;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors on this the 17th day of April, 2007, that it be and hereby does endorse the

VNDIA grant application for transit improvements in preparation for BRAC impacts.

Legislative; Closed Meeting. At 3:17 P.M., Mr. Fields motioned, seconded by Mr.

Dudenhefer, to adopt proposed Resolution CM07-11.

The Voting Board tally was:

Yea:

Schwartz, Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde

Nay:

(0)

(7)

Resolution CM07-11 reads as follows:

A RESOLUTION TO AUTHORIZE CLOSED MEETING

WHEREAS, the Board of County Supervisors desires to consult with staff and counsel in Closed Meeting regarding the acquisition of real property for public purposes related to the Courthouse Complex expansion; legal advice in regard to the Dominion Power Transmission Line SCC case issues; a personnel matter to discuss attorney representation on the Comp Plan Steering Committee; and legal advice in regard to Rescue One Appeal issues; and

WHEREAS, pursuant to Section 2.2-3711 A.1, A.3, and A.7 Va. Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Stafford Board of Supervisors, on this the 17th day of April, 2007 does hereby authorize discussions of the aforestated matters in Closed Meeting.

<u>Call to Order.</u> At 4:13 P.M., the Chairman called the meeting back to order.

<u>Legislative</u>; <u>Closed Meeting Certification</u>. Mr. Dudenhefer motioned, seconded by Mr. Schwartz, to adopt proposed Resolution CM07-11a.

The Voting Board tally was:

Yea: (7) Brito, Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz

Nay: (0)

Resolution CM07-11a reads as follows:

A RESOLUTION TO CERTIFY THE ACTIONS OF THE STAFFORD

COUNTY BOARD OF SUPERVISORS IN A CLOSED MEETING ON

APRIL 17, 2007

WHEREAS, the Board has, on this the 17th day of April, 2007, adjourned into a

closed meeting in accordance with a formal vote of the Board and in accordance with the

provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Virginia Freedom of Information Act, as it became effective

July 1, 1989, provides for certification that such Closed Meeting was conducted in

conformity with law;

NOW, THEREFORE, BE IT RESOLVED that the Stafford County Board of

Supervisors does hereby certify, on this the 17th day of April, 2007, that to the best of

each member's knowledge: (1) only public business matters lawfully exempted from

open meeting requirements under the Virginia Freedom of Information Act were

discussed in the Closed Meeting to which this certification applies; and (2) only such

public business matters as were identified in the Motion by which the said Closed

Meeting was convened were heard, discussed, or considered by the Board. No member

dissents from the aforesaid certification.

Legislative; Oppose Virginia Electric and Power Company's Proposal to Build a 230 KV

Overhead Transmission Line, and to Urge the State Corporation Commission to Require

Underground Construction of any Such Transmission Line in Stafford County.

Mr. Dudenhefer motioned, seconded by Mr. Gibbons, to adopt proposed Resolution

R07-178.

The Voting Board tally was:

Yea:

Cavalier, Dudenhefer, Fields, Gibbons, Milde, Schwartz, Brito

Nay: (0)

(7)

Resolution R07-178 reads as follows:

A RESOLUTION TO OPPOSE VIRGINIA ELECTRIC AND POWER COMPANY'S PROPOSAL TO BUILD A 230 KV OVERHEAD TRANSMISSION LINE, AND TO URGE THE STATE CORPORATION COMMISSION TO REQUIRE UNDERGROUND CONSTRUCTION OF ANY SUCH TRANSMISSION LINE IN STAFFORD COUNTY

WHEREAS, Virginia Electric and Power Company ("Dominion") filed an application with the Virginia State Corporation Commission (the "Commission") on August 30, 2006 requesting a certificate of public convenience and necessity to construct a new 230 kV overhead transmission line and related facilities in Stafford County (the "Garrisonville Transmission Line"); and

WHEREAS, the route proposed by Dominion for the Garrisonville Transmission Line would run westward from a tap on Dominion's existing overhead Possum Point-Fredericksburg 230 kV Line No. 252 approximately five miles to a new Garrisonville Switching Substation; and

WHEREAS, Dominion proposes to erect numerous 130-foot tall steel lattice towers along those rights-of-way; and

WHEREAS, Dominion has indicated that it has plans to add two additional transmission lines along the same rights-of-way some time in the future; and

WHEREAS, the route proposed by Dominion was selected not because it is the best available route for such a line, or because it would minimize adverse impacts on the surrounding communities and the environment of Stafford County, but because Dominion already holds rights-of-way along the proposed route; and

WHEREAS, the rights-of-way held by Dominion were generally obtained during the 1960s in connection with plans for a different utility project that never materialized; and

WHEREAS, during the ensuing years, when it appeared that Dominion would never use the rights-of-way for any significant utility project, substantial residential communities have developed in proximity to the proposed route; and

WHEREAS, four Stafford County Schools, including an elementary school, two middle schools and a high school, were also constructed and are now operated in proximity to Dominion rights-of-way that are proposed to be used for the Garrisonville Transmission Line and future transmission lines; and

WHEREAS, on November 9, 2006, at the direction of the Board of Supervisors, the County of Stafford, Virginia, filed its Notice of Participation as a Respondent in the docket established by the Commission for consideration of Dominion's application to build the Garrisonville Transmission Line (SCC Case No. PUE-2006-00091); and

WHEREAS, Stafford County has subsequently been participating actively in that docket in order to insure that the interests of the County and its citizens are represented and protected; and

WHEREAS, at public hearings conducted by the Commission on January 25, 2007 and February 6, 2007, the citizens of Stafford County clearly and forcefully voiced their opposition to the proposed transmission line, and presented substantial and convincing evidence that an overhead line on the proposed route would cause serious and irreparable harm to their interests and to the interests of Stafford County; and

WHEREAS, the citizens of Stafford County have also clearly expressed their strong preference that an underground transmission line be constructed instead of an overhead line, if a transmission line must be constructed; and

WHEREAS, Dominion subsequently amended its application on February 27, 2007 to include an underground alternative for the Commission's consideration; and

WHEREAS, it is clear that, notwithstanding the existence of Dominion's rightsof-way, the proposed route is especially ill suited for construction and operation of an overhead transmission line, and that Stafford County, it citizens, neighborhoods, and environment would suffer extreme and unnecessary adverse impacts if Dominion's proposed overhead line is approved; and

WHEREAS, many – although not all – of the adverse impacts of the proposed line would be eliminated or ameliorated if the proposed transmission line is constructed underground; and

WHEREAS, Stafford County will soon be submitting prefiled testimony and evidence in the Commission's Garrisonville Transmission Line docket, and participating in the evidentiary hearing scheduled to begin at the Commission on July 11, 2007;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors that Stafford County is opposed to Dominion's application for authority to construct the proposed Garrisonville Transmission Line, and urges the Commission to deny the application; and

BE IT FURTHER RESOLVED that, if the Commission determines that a new transmission line in Stafford County is needed and will be approved, Stafford County urges the Commission to require that such transmission line be constructed underground; and

BE IT FURTHER RESOLVED that, in any event, if Dominion is authorized to build any new transmission line or other facilities in Stafford County, whether they be overhead or underground, that the Commission specifically require that substantial and

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effective mitigation measures must be employed by Dominion to lessen the adverse

impacts imposed on the County, its citizens and its environment to the maximum extent

reasonably possible.

Budget; Approve the FY2008 Potomac and Rappahannock Transportation Commission

and Virginia Railway Express Subsidies and Authorize Payment and Approve

Amendment to the Master Agreement.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-168.

Discussion ensued.

Mr. Brito made a substitute motion, seconded by Mr. Fields, to increase VRE fares by

\$10.00 a week and to subtract the additional revenue of the fare increase, approximately

\$680,680 from the proposed subsidy of \$2,429,736. The new subsidy amount for FY08

would be \$1,750,000.

Discussion further ensued.

The Voting Board tally was:

Yea:

(2) Fields, Brito

Nay: (5)

Gibbons, Milde, Schwartz, Cavalier, Dudenhefer

The Voting Board tally on the original motion was:

Yea:

(6) Dudenhefer, Fields, Gibbons, Milde, Schwartz, Cavalier

Nay: (1) **Brito**

Resolution R07-168 reads as follows:

A RESOLUTION TO APPROVE THE FY2008 POTOMAC AND

RAPPAHANNOCK TRANSPORTATION COMMISSION AND

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VIRGINIA RAILWAY EXPRESS SUBSIDIES AND AUTHORIZE

PAYMENT

WHEREAS, the County is a member of the Potomac and Rappahannock

Transportation Commission (PRTC); and

WHEREAS, the County is a participating member of the Virginia Railway

Express (VRE); and

WHEREAS, the County's subsidy share of the FY2008 PRTC administrative

budget is \$37,767; and

WHEREAS, the County's subsidy share of the FY2008 VRE budget is

\$2,429,736;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of

Supervisors on this the 17th day of April, 2007, that the Board be and it hereby does

approve the proposed PRTC subsidy in the amount of Thirty-seven Thousand Seven

Hundred Sixty-seven dollars (\$37,767) and the proposed VRE subsidy in the amount of

Two Million Four Hundred Twenty-nine Thousand Seven Hundred Thirty-six Million

dollars (\$2,429,736).

BE IT FURTHER RESOLVED that the payment of the subsidies during FY2008

be and they hereby are authorized.

Mr. Milde motioned, seconded by Mr. Gibbons, to adopt proposed Resolution R07-175.

The Voting Board tally was:

Yea:

(6) Gibbons, Milde, Schwartz, Cavalier, Dudenhefer, Fields

Nay: (1)

1) Brito

Resolution R07-175 reads as follows:

A RESOLUTION TO APPROVE AN AMENDMENT TO THE VIRGINIA RAILWAY EXPRESS MASTER AGREEMENT

WHEREAS, the Northern Virginia Transportation District Commission ("NVTC") and the Potomac and Rappahannock Transportation District Commission ("PRTC," and, together with NVTC, the "Commissions") jointly operate the Virginia Railway Express (the "VRE") commuter rail service in Northern Virginia pursuant to the Master Agreement dated as of October 3, 1989, as amended (the "Master Agreement"); and,

WHEREAS, in February, 2006, the VRE Operations Board, with participation of all VRE member jurisdictions, initiated analysis of alternate VRE governance structures and subsidy allocation formulae; and

WHEREAS, the Commissions have previously adopted and forwarded to member jurisdictions an alternate FY 2008 VRE Operating and Capital Budget, which reflected this proposed change to the subsidy formula, and was effective contingent upon approval of the aforesaid amendments to the Master Agreement; and

WHEREAS, on April 5, 2007, the Commissions approved a series of proposed amendments to the Master Agreement that would change the composition of and voting on the Operations Board and revise the subsidy formula over a four year phase-in period as detailed in Attachment A; and

WHEREAS, on April 5, 2007, the Commissions also approved a mitigation accommodation developed by the Operations Board, with the participation of all VRE member jurisdictions, to address the impacts on member jurisdictions affected by non-member jurisdictional riders; and

WHEREAS, the mitigation accommodation involves inclusion of the projects listed in Attachment B in the VRE capital improvement program to be funded by various resources and to be initiated at the earliest possible date; and

WHEREAS, amendments to the Master Agreement reflecting the changes detailed in Attachment A will be brought back before the Commissions and jurisdictions for formal approval; and

WHEREAS, on April 5, 2007, the Commissions further committed to continuing to explore and identify steps necessary for the VRE to attain independent status and/or full autonomy;

NOW, THEREFORE, BE IT RESOLVED by the Stafford County Board of Supervisors on this the 17th day of April, 2007, that the Board be and hereby does approve the proposed amendments to the VRE Master Agreement detailed in Attachment A; and

BE IT FURTHER RESOLVED that the Board be and hereby does approve the mitigation accommodation, adding projects to the VRE capital improvement program as detailed in Attachment B; and

BE IT STILL FURTHER RESOLVED that the Board be and hereby does (1) embrace the objective of a fully autonomous VRE Operations Board or, in the alternative, a legal entity independent of the two Commissions by 2010; and (2) agrees to implement on an expedited basis actions, identified by legal counsel and approved by the Commissions, as necessary to achieve this objective that can be done by purely administrative means; and (3) agrees to diligently pursue other actions, identified by legal counsel and approved by the Commissions, as necessary that require external approvals, e.g. approvals by the Commissions and all member jurisdictions, and statutory changes.

Attachment A — Proposed Changes to the Master Agreement Membership

- Operations Board expanded to include all member jurisdictions.
- All seats on Operations Board to be elected officials, except DRPT Director.
- Board seats to be proportionate to ridership based on the annual ridership survey, as shown below.
 - o 25% or more of total system ridership = 3 members, 3 alternates
 - o 15% 24% of total system ridership 2 members, 2 alternates
 - o Less than 15% of total system ridership = I member, 1 alternate
 - o Arlington and Alexandria = 1 member, 1 alternate each
 - o Director of DRPT = 1 member

Jurisdiction		Percentage	Number of
	FY2008	of System	Board
	Ridership	Ridership	Members
Fairfax	1478	20.3%	2
Fredericksburg	204	2.8%	1
Manassas	347	4.8%	1
Manassas Park	201	2.8%	1
Prince William	2232	30.6%	3
Stafford	1309	17.9%	2
Alexandria	4	0.1%	1
Arlington	0	0%	1
Other	1520	20.9%	0
Total	7295		12

Weighted voting

 Proportionate to annual jurisdictional subsidy with each Board member casting an individual vote based on a prorata share of their jurisdictional percentage of subsidy.

- An affirmative weighted vote must receive support from five (5) jurisdictions that also must collectively constitute 60% of the total annual jurisdictional subsidy.
- For the purposes of weighted voting, Arlington and Alexandria will each receive
 0.5 votes which can be cast independently or as a full vote on behalf of both jurisdictions.
- The jurisdictional minimum required for weighted voting would increase by one for every two jurisdictions that newly join VRE.

Subsidy

- Annual jurisdictional subsidy will be based on system ridership rather than the 90% system ridership and 10% population formula.
- The subsidy allocation formula will be phased in over four years as shown below.

Jurisdiction	FY 2008 90/10 Formula	FY 2008 With First Year Phasing	Year 2*	Year 3*	100% Ridership Year 4*
Alexandria	\$113,140	\$113,140	\$113,140	\$113,140	\$113,140
Arlington	\$165,532	\$165,532	\$165,532	\$165,532	\$165,532
Fairfax County	\$4,999,777	\$4,700,508	\$4,401,238	\$4,101,968	\$3,802,698
Fredericksburg	\$314,232	\$330,713	\$347,194	\$363,675	\$380,155
Manassas	\$627,365	\$655,077	\$682,789	\$710,501	\$738,213
Manassas Park	\$339,650	\$359,574	\$379,498	\$399,423	\$419,347
Prince William County	\$4,504,312	\$4,624,876	\$4,745,440	\$4,866,004	\$4,986,568
Stafford County	\$2,315,147	\$2,429,735	\$2,544,324	\$2,658,913	\$2,773,502
Total	\$13,379,154	\$13,379,154	\$13,379,154	\$13,379,154	\$13,379,154

^{*}Note - future subsidy will fluctuate based on operating costs.

Attachment B — Mitigation Accommodation Projects

Jurisdiction	Project	Estimated
		Value Not to
		Exceed
Stafford	Preliminary engineering, environmental analysis	\$800,000
	and property acquisition for additional parking at	
	Brooke	
Fredericksburg	Fredericksburg station repairs, enhancements and	\$1 ,474,000
	federal grant match	
Manassas	Further funding of City/VRE parking deck	\$2 million
Manassas Park	Canopy extension	\$1 million
Prince William	Gainesville-Haymarket preliminary analysis or	\$2 million
	other project	
	TOTAL	\$7,274,000

Recess. At 4:30 P.M., the Chairman declared a recess until 7:00 P.M.

<u>Call to Order.</u> At 7:09 P.M., the Chairman called the meeting back to order in the Colonial Forge High School Auditorium.

<u>Invocation.</u> A Moment of Silence was observed for the Virginia Technology students who died in a shooting on Monday, April 16, 2007.

<u>Pledge of Allegiance</u>. The Chairman led in the Pledge of Allegiance to the Flag of the United States of America.

Budget; Consider the Fiscal Year 2008 County Budgets and 2007 Property Tax Rates.

The Chairman opened a public hearing.

The following persons spoke:

Kay Dudenhefer

Bob Lagerlef

Nikki Caines

Don Newlin

Misty Sissom

Thuy Lam

Dr. Sol Herman

Dana Reinboldt

Laura Dean

Ellen Grigg

W. G. Shelton, Jr.

Christina Skinner

Ann Emerson

Dean D. Fetlerolf

Deborah Conley

Ron McLean

Ted Parks

Meg Raymond

William Tignor

Peter Clemens

Lou Silver

Becky Reed

Jeanette Martin

Lucy Burns

Kim Kilby

The Chairman closed the public hearing.